

EXHIBIT

M

From: Colmenero, Angela
To: "Leah Aden"; Clark, Jennifer
Cc: Frederick, Matthew; alltexasvoterid@dechert.com; VOTTexasID@usdoj.gov
Bcc: "Lindsey Wolf"
Subject: RE: Spanish Version of the FAQs
Date: Friday, August 19, 2016 11:08:36 AM

Leah,

Thank you for the email. Defendants are not inclined to incorporate your proposed language in the FAQs for a couple of reasons. We believe your language is ambiguous, and therefore confusing, to voters and election officials. From our standpoint, not "having" an ID could mean they left it at home, and that is not our understanding of what the reasonable impediment declaration is intended to cover or what the parties agreed it covered. You raise a scenario below regarding an individual who has lost their license or had it suspended or revoked. If an individual has lost their license, they would "not be able to obtain" a valid SB 14 ID and therefore would qualify as having a reasonable impediment. Indeed, this scenario is specifically accounted for in the language of the declaration and defined as a reasonable impediment in FAQ #4. If an individual has had their license suspended or revoked, this individual would not be able to reasonably obtain a valid ID that would work for them at the time they went to vote. In other words, we believe individuals who have suspended or revoked licenses would qualify as having a reasonable impediment and could exercise that option by checking the "other" box on the declaration.

Defendants are committed to providing the public with accurate information regarding the change in election procedures. We believe we have accomplished that with the language of the revised FAQs. We disagree with your assertion that the information is misleading or inconsistent with the Court's order. It is our position that any language suggesting that an individual who does not have an ID would qualify as having a reasonable impediment is inconsistent with the legislative intent of SB 14 and the court's interim remedy order. This is because the reasonable impediment declaration is intended to be used by those individuals who are unable to obtain a SB 14 ID. If an individual has simply left their ID at home on election day, this is an inconvenience that is not covered by the court's order.

As we explained to the court during the status conference last week, it was important for Defendants to update the FAQs last week because the information contained in them formed the baseline for other updates to the website that have been made this week. While we have incorporated many of the suggestions you have sent us, we cannot be in a situation where we are forced to constantly update the website whenever you believe your preferred language should be added. We intend for the information on the website to remain constant in order to minimize confusion and to provide clear guidance to voters and election officials regarding the new voting procedures. It was our hope that by providing you with a review period to preview some of the documents we were adding to the website, we would be able to avoid these types of disputes once information had already been uploaded and disseminated to the public.

We are happy to continue discussing this issue with you, but I cannot do so today because I will be traveling. To the extent you would like to discuss further, I propose we find a time on Monday to see if we can resolve your concerns.

Thanks,
Angela

From: Leah Aden [mailto:laden@naacpldf.org]
Sent: Thursday, August 18, 2016 5:12 PM
To: Colmenero, Angela; Clark, Jennifer
Cc: Frederick, Matthew; alltexasvoterid@dechert.com; VOTTexasID@usdoj.gov
Subject: RE: Spanish Version of the FAQs

Angela –



I think that we would all agree that the important issue is not whether one party or the other was able to catch a mistake within a given time, but rather whether the information that is being disseminated to the public is accurate and not misleading. We assume that the State would want to correct mistakes in its messaging no matter when they are raised.

To that end, we continue to have concerns with language on the VoteTexas.gov website or otherwise released to the public that states or suggests that voters can only use the reasonable impediment process if they “have not been able to obtain” or “cannot obtain” one of the SB 14 IDs.

Accordingly, we re-urge you to remove this language from any and all information released to the public because it is misleading and inaccurate based on the parameters set forth in the interim remedial order (Doc. 895). Voters are able to take advantage of the reasonable impediment process if they “cannot reasonably obtain” or have an impediment or difficulty to obtaining a SB 14 ID. *Id.* at 3; *see also* Doc. 895-1 at 6. You can imagine voters who have obtained a SB 14 ID but it may be lost, suspended, or revoked and, thus, they are not capable of using it to vote in person. Based on the current language on the VoteTexas.gov website and other places, the State is suggesting that voters cannot take advantage of the RI process under such scenarios since they technically have obtained SB 14 IDs.

Please let us know how the continued use of this language is consistent with the interim remedial order.

We’d like to address this issue before raising it with Judge Ramos.

Leah Aden
Senior Counsel
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, 5th Floor, New York, NY 10006
■ 212.965.7715 ■ LAden@naacpldf.org
www.naacpldf.org  



PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Colmenero, Angela [<mailto:angela.colmenero@texasattorneygeneral.gov>]

Sent: Thursday, August 18, 2016 2:35 PM

To: Clark, Jennifer <clarkj@mercury.law.nyu.edu>

Cc: Frederick, Matthew <matthew.frederick@texasattorneygeneral.gov>;
alltexasvoterid@dechert.com; VOTTexasID@usdoj.gov

Subject: Re: Spanish Version of the FAQs

Jennifer and Leah,

Thank you for the comments you sent this morning. Here are our responses:

- “Listadas a continuación” simply means “listed below”.
- The word “obtener” used in the Spanish translation carries the same meaning as the language used in the English version. If changed in the Spanish translation, the meaning would differ from the English language.
- The word “una” is not necessary as English words do not have to be directly translated to imply the same meaning.
- We can add “(original o copia)” to “Documento del gobierno con su nombre y dirección (se requiere documento original si el documento contiene una fotografía)” so it reads ““(Documento del gobierno con su nombre y dirección (original o copia) (se requiere documento original si el documento contiene una fotografía).”

Even though we believe it is unnecessary, we will accept the edit referenced in the third bullet point and add “una” in the two places you identified. We will also agree to add “(original o copia).” For the reasons explained above, we will not agree to accept any of your other proposed changes. We intend to go live with the Spanish version (incorporating the changes above) this afternoon.

We are not inclined to accept the additional substantive edits you sent us yesterday. We allowed you 24 hours to review the FAQs and accepted several of your suggestions. Now that the FAQs are up on the website, we will not agree to make edits we believe are unnecessary and are past your review period.

Also, in response to the other issues you raised, it is not our intention to take down press releases. Press releases remain on the website for historical purposes. The two you have cited are either talking about procedures for elections that took place two years ago, or one that was issued three years ago. We informed the court we would move archived content at our discretion.

Finally, we told the Court we would inform election officials that they can contact SOS to get an icon to link their website to the updated VoteTexas.gov website, and send link(s) to, or the actual updated firms no later than August 19. This should address the last point you raised.

Thanks,
Angela

Sent from my iPhone

On Aug 18, 2016, at 8:21 AM, Clark, Jennifer <clarkj@mercury.law.nyu.edu> wrote:

Good morning, Angela-

Thank you for providing us with the Spanish language translation of the "Need ID?" portion of VoteTexas.gov. Attached please find a PDF with a handful of comments. While we tried to point out where the translation would need to be adjusted per Leah Aden's email from yesterday afternoon, we would appreciate another opportunity to review pursuant to those suggested edits.

Thank you.

From: Colmenero, Angela [<mailto:angela.colmenero@texasattorneygeneral.gov>]
Sent: Wednesday, August 17, 2016 11:22 AM
To: Ezra Rosenberg; alltexasvoterid@dechert.com; VOTTexasID@usdoj.gov
Cc: Frederick, Matthew
Subject: Spanish Version of the FAQs

Ezra,

We have attached a Spanish language translation of the "Register to Vote: Need ID? Procedures for Voting" section of the VoteTexas.gov website. Per our agreement, we are providing you 24 hours to review this draft. We intend to upload this version to the website tomorrow afternoon.

Thanks,
Angela

<20160812_Voter ID FAQs_FINAL_Spanish Comments.pdf>